

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS  
ADMINISTRATION, as Receiver for  
PROSPERO VENTURES, L.P.  
Plaintiff(s),

v.  
JOHN W. MURPHY

CASE NO. C 07-03737 SI

STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS

Defendant(s).  
\_\_\_\_\_  
/

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

**Court Processes:**

- Non-binding Arbitration (ADR L.R. 4)  
 Early Neutral Evaluation (ENE) (ADR L.R. 5)  
 Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

**Private Process:**

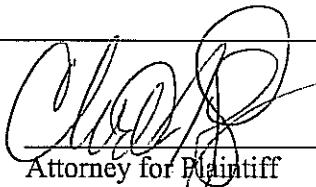
Private ADR (please identify process and provider) \_\_\_\_\_

The parties agree to hold the ADR session by:

- the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)

other requested deadline \_\_\_\_\_

Dated: 10-31-07

  
\_\_\_\_\_  
Attorney for Plaintiff

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant

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Private ADR (please identify process and provider) \_\_\_\_\_

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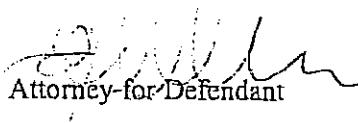
- the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)

other requested deadline \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: 11/02/07

\_\_\_\_\_  
Attorney for Plaintiff

  
\_\_\_\_\_  
Attorney for Plaintiff

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- Mediation
- Private ADR

Deadline for ADR session

- 90 days from the date of this order.
- other

IT IS SO ORDERED.

Dated: \_\_\_\_\_



\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

## PROOF OF SERVICE

I declare that I am a citizen of the United States of America and a resident of the County of Fresno. I am over the age of eighteen (18) years and not a party to the within action. My business address is 499 West Shaw, Suite 116, Fresno, California 93704.

On November 2, 2007, I served the foregoing document(s) described as **STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS** on the interested parties, addressed as stated on the attached service list.

- [x] BY MAIL - by placing [x] a true and correct copy [] the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm's outgoing mail. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with United States Postal Service on that same day in the ordinary course of business.
- [x] BY CALIFORNIA OVERNIGHT - by placing [x] a true and correct copy [] the original thereof enclosed in a sealed envelope for delivery via California Overnight next day delivery to the addressee noted above.
- BY HAND DELIVERY - by delivering by hand and leaving a true copy with the person and at the address shown above.
- BY FACSIMILE TRANSMISSION - by causing a true facsimile thereof to be electronically transmitted to the parties, by using their facsimile number indicated on the attached service list.
- STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- [x] FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on November 2, 2007, at Fresno, California.



Lisa R. Barr

Service List

**Via Mail and Electronic Mail:**

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Attorneys for Defendants,  
John W. Murphy

**Via California Overnight:**

**Chambers Copies**

Hon. Susan Illston  
U.S. District Court, Northern District  
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16<sup>th</sup> Floor, #1111  
San Francisco, CA 94102